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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the second periodic report of Qatar

Constitutional framework and discriminatory laws

1. In the light of the Committee's previous recommendation (CEDAW/C/QAT/CO/1, para. 12), that the State party clarify the status of the Convention in its national legal order, please provide detailed information on steps taken to ensure that, in practice, international standards take precedence over all internal sources of law, including religious laws. Please indicate steps taken to fully incorporate into the Constitution, or other appropriate national legislation, the principle of equality between women and men. Please also indicate whether a comprehensive review of laws that discriminate against women and girls has been undertaken, with a view to repealing them, in particular the discriminatory provisions of the Family Law, the Criminal Code and the Nationality Law.

Reservations

2. In its second periodic report (CEDAW/C/QAT/2),[1] the State party indicates that it has initiated a process to review its general reservations to international treaties and that, should it decide not to withdraw any reservations to the Convention at the present time, it may review that possibility at a later stage (para. 34). Please indicate whether a time frame has been set for a possible review and which reservations may be under consideration. Please provide information on how the State party's reservations to the Convention comply with articles 34 and 35 of its Constitution, which stipulate that all citizens have equal rights and duties and that they are equal before the law. Please also provide information on concrete steps taken to reconcile Islamic law with the requirements of the Convention. Please indicate whether the State party has adopted

[1] Unless otherwise indicated, paragraph numbers refer to the second periodic report of the State party.

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any specific measures, such as conducting gender-sensitivity and awareness-raising training, targeting individuals and institutions that exercise authority over Islam and its laws, to ensure that Islamic laws and norms are in conformity with the provisions of the Convention. Please also indicate whether the State party has considered the experience of other countries in the region that have succeeded in withdrawing and/or considerably narrowing their reservations to the Convention.

Definition of discrimination

3. It is indicated in the report that articles 34 and 35 of the Constitution provide for equality of rights and obligations between men and women and for equality before the law, respectively (para. 40). In the light of the Committee's previous recommendation (CEDAW/C/QAT/CO/1, para. 14), please provide information on any provisions in the State party's legislation explicitly prohibiting all forms of discrimination against women and in all areas under the Convention, including direct and indirect discrimination in the private and public spheres, as well as intersecting forms of discrimination, in line with articles 1 and 2 (b) of the Convention.

National machinery for the advancement of women

4. It is indicated in the report that the Supreme Council for Family Affairs was abolished in 2016 and that its competences were transferred to the Department of Family Affairs, within the Ministry of Administrative Development, Labour and Social Affairs (para. 26). Please provide information on the human, technical and financial resources allocated to the Ministry for gender equality-related matters, as well as the number of full-time gender equality officers in line ministries and municipal administrations. Please also provide information on how the goal of the Department's work, to "maintain strong and cohesive families that adhere to moral and religious values as an exemplary model" (para. 26) is compatible with the purpose of a national machinery to promote the advancement of women and to ensure the full enjoyment by women of their human rights. Please also provide information on the mechanisms in place for the coordination of implementation and monitoring of gender equality concerns, in particular the role and mandate of the Qatar Foundation for Social Action (para. 26). Furthermore, please provide information on the implementation and evaluation of the impact of Qatar National Vision 2030, in accordance with its obligations under the Convention and the Sustainable Development Goals, particularly Goal 5.

Temporary special measures

5. The State party indicates that a decree was issued appointing four women to the Shura Council (para. 38). The State party also indicates that preparations are to be made for elections to the Shura Council (para. 84). Please explain whether the decree appointing women to an elected body is a quota reserved for women. Please also indicate whether the State party plans to expand that quota, which presently represents a small percentage of women in the 45-member body. The report further enumerates a number of social security benefits which are paid or may solely be enjoyed by women, including a woman's right to paid leave should she have a child with special needs or should her child be hospitalized, the right to paid maternity leave, the right to time off for breastfeeding and the right to bring a family member along on official travel. In the light of the Committee's previous concluding observations (CEDAW/C/QAT/CO/1, para. 20), the Committee is concerned that the State party still does not have a clear understanding of the nature of temporary special measures. The Committee requests the State party to provide information on steps taken to familiarize relevant officials and political representatives with the concept of temporary special measures as described in article 4 (1) of the Convention, and

elaborated in the Committee's general recommendation No. 25 (2004) on temporary special measures, and indicate whether such temporary special measures, including quotas and other proactive measures, are envisaged to accelerate the full and equal participation of women in all areas covered by the Convention, particularly in the political and employment spheres.

Stereotypes and harmful practices

6. The report provides limited information on concrete actions taken by the State party to eliminate gender stereotypes. In the light of its previous recommendations (CEDAW/C/QAT/CO/1, para. 22), please explain what has been done to avoid further reinforcement of traditional gender roles. Please elaborate on the measures to overcome gender stereotypes that were included in the second national development strategy for the period 2017–2022 (para. 56). Please provide information on the type of programmes and activities, including efforts to engage men and boys, that have been carried out under that plan and the impact of the elimination of gender stereotypes been among Qatari men and women. Please also provide information on the impact of the activities carried out by the Aman Center to counter stereotypes of female domestic workers (para. 62) and of the Wifaq Center of the Qatar Foundation for Social Action to raise awareness and promote implementation of the Convention (para. 63) and of the joint Qatar Television and National Human Rights Committee's weekly programme to raise awareness about women with disabilities.

7. It is indicated in information before the Committee that the Criminal Code forbids and punishes the wearing of revealing or indecent clothes. Please provide information on how the State party defines revealing or indecent clothes and on how that provision is applied in practice, to ensure that it does not perpetuate harmful practices. Please also provide data disaggregated by sex, age and nationality of the offender, on the number of cases when that law has been applied and information on sentences imposed. In line with joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, please provide information on the use of face coverings, such as the niqab, burka or hijab with mask. Please also provide information on measures taken to address those practices within the territory of the State party and to raise awareness of their harmful, negative and stereotypical consequences.

Gender-based violence against women

8. In its previous concluding observations (CEDAW/C/QAT/CO/1, para. 23), the Committee expressed concern at the gaps in legislation on violence against women, in particular the lack of a specific law criminalizing domestic violence and marital rape. In line with the Committee's general recommendation No. 19 (1992) on violence against women and general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, please provide information on actions taken since the last review to ensure that the Criminal Code criminalizes domestic violence and marital rape. Please also provide updated information on the number of cases of domestic violence and rape reported each year and measures taken to promote public discussion on marital rape. Please provide data on the number of prosecutions in cases of domestic violence and rape and the sentences imposed on perpetrators, disaggregated by age and the relationship between victim and perpetrator, as requested by the Committee in its previous concluding observations (CEDAW/C/QAT/CO/1, para. 24).

9. It is indicated in the report that the Community Policing Department of the Ministry of the Interior plays a preventive role with respect to victims of domestic violence (para. 67), including through a hotline for early intervention. Please provide

information on the number and nature of calls received by the hotline, as well as information on actions taken with regard to the calls. The State party indicates that it has established four committees composed of inhabitants of the northern regions of the State party (para. 68) and that the purpose of those committees is to work, in cooperation with community police, on issues related to domestic violence. Please provide further information on the role and the nature of the committees' work. In the report, the State party indicates that it has carried out a number of ad hoc awareness-raising activities, such as studies, round tables and seminars (para. 69) and activities by the Wifaq Center to strengthen family responsibility and avoid family disputes (para. 71). Please provide information on any systematic and sustained activities to raise the awareness of the general public of the criminal nature of violence against women and the possible consequences thereof, as well as of information on access to protection and redress. Please inform the Committee about measures taken to provide counselling and psychological redress for all women who are victims of violence, as well as the number of shelters available, the kinds of services provided and the level of access to those shelters.

Trafficking and exploitation of prostitution

10. Please provide information on steps taken to amend article 5 of Law No. 15 of 2011 on combating trafficking in persons, which allows for the deportation of victims of trafficking. Please also provide information on the scope and content of the draft national plan on combating trafficking in persons for the period 2017–2022 and a definite timeline for its adoption (para. 73). In the light of the Committee's previous recommendations (CEDAW/C/QAT/CO/1, para. 26 (c)), please elaborate on the assistance, support and protection provided to victims of trafficking in persons, including women migrant workers. The State party indicates that it has provided $6 million to build national capacity to combat trafficking in persons in the Arab region (para. 73), including training sessions for judges, investigators and police officers. Please provide information on any impact assessment made of those training sessions and whether they will continue on a regular basis in the State party. Please also provide information on any measures taken to collect data, as recommended by the Committee in its previous concluding observations (CEDAW/C/QAT/CO/1, (para. 26 (b)), on the number of cases on trafficking in women and girls, particularly the number of investigations, prosecutions and convictions and the sanctions imposed on the perpetrators, during the reporting period. According to information before the Committee, some women who arrive in the State party as migrant workers may subsequently be subjected to sexual exploitation in prostitution. Please provide information on steps taken to decriminalize prostitution and measures taken to train government officials to recognize and respond appropriately to trafficking offences and sexual exploitation, to expand public awareness programmes that promote the identification of victims and perpetrators and to raise awareness of preventive measures and avenues for assistance and redress, including the provision of interpretation in the language of the victim.

Participation in political and public life

11. In the report, the State party indicates that Qatari women have occupied numerous leadership positions in the State party, including ministerial positions, and served as judges and prosecutors (para. 82). Please provide up-to-date information on the number of women on the Shura council, in the Central Municipal Council, the judiciary, the police and the foreign service, in particular at decision-making levels. Please explain the reason for the extremely low number of women candidates in elections to the Central Municipal Council, as illustrated by table 3 in the report and indicate what measures have been taken to ensure that political parties allocate sufficient funding for women who are campaigning and to raise awareness of the

importance of the participation of women in elections as candidates, as recommended by the Committee in its previous concluding observations (CEDAW/C/QAT/CO/1, para. 28). The State party indicates that Amiri Decree No. 22 of 2017 provides for the appointment of four Qatari women as members of the Shura Council (para. 83). Please indicate when the next elections for the Shura Council will take place. Please also indicate whether there are any plans to adopt an electoral policy including measures to secure significant participation of women in the various phases of the electoral process.

Civil society and non-governmental organizations

12. Please provide information on measures taken to create and ensure an enabling environment, in which civil society and women's rights organizations can freely operate, including steps taken to simplify the registration procedure under Law No. 12 of 2004 on associations and private organizations.

Nationality

13. The State party recognizes that it does not treat men and women equally when it comes to granting nationality to their children (para. 93). The State party indicates that it has formed a working group with the purpose of studying the provisions of the Nationality Law and related laws. Please provide information on any progress made by the group and proposals made to amend the Nationality Law to ensure equality between women and men and to enable Qatari women to confer their nationality to their foreign spouses and their children on an equal basis with Qatari men (para. 93).

Education

14. Please explain the discrepancy between the number of men and women enrolled in banking studies and business administration, as shown in table 6 and figure 5 of the State party's report, and provide information on measures taken to increase the number of women and girls enrolled in non-traditional fields of study, including in vocational courses and in scientific and technical disciplines. Please provide information on measures taken to provide women and girls with career guidance. Please also provide information on measures taken to ensure that children of migrant women have access to affordable high-quality education.

Employment

15. The State party indicates that legislation prohibits the employment of women in work that is hazardous or arduous, or that is harmful to their health or morals, or in other types of employment specified by the Minister (para. 54). Employment of women is further prohibited during hours other than those specified by decision of the Minister (para. 54). Please provide detailed information on which forms of employment are affected by the mentioned restrictions and on any steps taken to remove them, to avoid stereotypical assumptions in training and employment with respect to the aspirations, suitability and capacity of women with regard to certain jobs. In the light of the Committee's previous concluding observations (CEDAW/C/QAT/CO/1, para. 36), please also provide information on steps taken to remove regulations and de facto discriminatory practices that require Qatari women to present a letter of consent from a male guardian to obtain employment. Please provide updated data on the percentage of women in the labour force, disaggregated by field of activity in the public and private sectors and by occupation rate (full-time or part-time). Please also provide information on measures taken to implement and monitor the principle of equal pay for work of equal value and on the full range of measures taken to close the gender pay gap.

Health

16. The State party indicates that the health system of the State is open to all members of society without discrimination, including female workers (para. 145). Please clarify whether that means that women migrant workers and bidoun women have access to free emergency medical care, including sexual and reproductive health care, and abortion services in cases of rape, as recommended by the Committee in its previous concluding observations (CEDAW/C/QAT/CO/1, para. 40 (c)). Please indicate what steps the State party is taking to amend its legislation on abortion, with a view to removing punitive measures for women who undergo abortion and extending the grounds for performing legal and safe abortions beyond situations in which the life of the mother is at risk, to include, in particular, pregnancies arising from incest and rape. Please also indicate the number of women who have been held in detention and sentenced for having undergone an abortion in the State party within the reporting period, including information on the length of their detention. Please indicate whether age-appropriate education on sexual and reproductive health and rights, as well as responsible sexual behaviour, has been incorporated as a separate subject into curricula at both the primary and secondary levels and is provided by adequately trained teachers. In the light of its previous recommendation (CEDAW/C/QAT/CO/1 para. 40 (b)) and the information provided in paragraphs 146 to 148 of the report, please provide information on any plans to reform the policy of mandatory HIV/AIDS testing for pregnant women and migrant workers.

Women migrant domestic workers

17. The State party indicates that it has adopted Law No. 15 of 2017, which provides legal protection for migrant domestic workers in line with the International Labour Organization Domestic Workers Convention, 2011 (No. 189). It has also adopted Law No. 1 of 2017 amending certain provisions of Law No. 21 of 2015, which regulates the entry and exit of migrant workers (para. 24). Please provide information on any plans to include guarantees of a minimum wage, the right to sick leave and annual leave and the right to establish or join labour unions in those laws. Please clarify whether the removal of the *kafalah* (sponsorship) system has entailed the complete abolishment of exit permits for migrant workers, including female domestic workers. The State party indicates that it has established a new, judge-led labour dispute resolution committee to settle labour disputes within three weeks of a worker filing a complaint. Please provide information on the number of women migrant workers that have filed a complaint with the committee since its establishment, the nature of the complaints and any compensation paid to the victims. Please also provide information on measures taken to ensure the security of victims and enable them to report violations without fear or threat of retaliation, in particular women who are brought into the country without legal contract and necessary official documents.

Vulnerable groups of women

18. According to information before the Committee, divorced women and widows are subject to discrimination in obtaining land grants and housing loans provided by the State. Please provide information on the conditions for obtaining such grants, as well as the rationale behind the conditions and the consequences thereof. Please also provide information on any measures taken or envisaged to initiate a review of Law No. (2) of 2007, regarding the housing system, in order to eliminate discrimination against widows and divorced women.

19. Following the severing of diplomatic ties between the State party and three of its neighbours, as well as Egypt, in 2017, please provide information on measures taken by the State party to alleviate the impact on and to guarantee the respect of the

human rights of women originating from those countries who resided in Qatar prior to the crisis. Please also provide information on the impact of the crisis on migrant workers still residing in Qatar, in particular with respect to the freedoms of expression, movement, communication and nationality and the right to family life and measures to ensure their security. Please provide information on women migrant domestic workers without legal contracts and their access to justice.

Equality before the law and in civil matters

20. Please indicate whether the existing legal provisions, according to which a woman's testimony is worth half that of a man's before a court, will be reviewed and repealed, with the aim of eliminating gender-based discrimination and ensuring equality before the law. Please clarify whether relevant laws have been amended to guarantee women the same freedom of movement as men. Please comment on information received by the Committee, according to which women are still required to have the permission of their father, husband or male guardian in order to obtain a passport, travel outside the country, study abroad on a government scholarship and leave detention centres and State-run shelters.

Marriage and family relations

21. Please provide information on the status of the review process of Family Law and indicate measures taken to repeal provisions relating to personal status that continue to discriminate against women, with a view to discouraging and prohibiting polygamy and unequal and/or limited rights for women relating to divorce, inheritance, custody and legal guardianship of children and women's loss of child custody upon remarriage, as recommended by the Committee in its previous concluding observations (CEDAW/C/QAT/CO/1, para. 42 (a)). It is indicated in the report that article 17 of the Family Law provides that marriage of a boy under 18 years of age or a girl under 16 years of age will only be certified with the approval of the guardian, verification of the consent of both parties to the contract and the approval of the competent judge (para. 166). Please provide data on the number of marriages that have been approved for girls between 16 and 18 years of age during the reporting period, as well as the age of the husband. Please also indicate whether the State party has any plans to amend the Family Law to remove the exceptions to the minimum age of marriage for girls. Please provide information on the legal share of inheritance received by a father's surviving daughter compared with the share of a father's surviving sons. Please indicate the steps taken to repeal the legal provisions that authorize a man to unilaterally divorce his wife. Please also indicate the steps taken to adopt a unified personal status law that would be in line with the Convention and other international legally binding instruments, taking into consideration the experience of countries with similar sociocultural and religious backgrounds and legal systems.